

JOURNAL OF THE HOUSE.

Thursday, February 9, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, the Ultimate Source of Forgiveness and Truth, Your guidance and Your gift of wisdom enables us to comprehend more accurately current legislative and public policy issues. Inspire us to utilize this new knowledge as we address the numerous concerns and needs of people in our diverse and changing communities. Help us to use prudently the creative and exciting technological advances which are available to us in our task of promoting the common good. Grant us the courage to be guided in our decision-making process by traditional principles and values. May our hearts and minds be filled with Your peace and joy.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement of Representative Keenan of Southwick.

A statement of Mr. Keenan of Southwick was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Thursday, January 19, due to unforeseen circumstances. As one of the main co-sponsors of the Bill establishing a primary Seat Belt Law (House, No. 229), I regret my absence at such an important vote. If I had been present that day for the taking of roll call number 337, on ordering the bill to a third reading, and for roll call number 342, on passing the bill to be engrossed, I would have voted in the affirmative, in both instances. Any roll calls that I may have missed that day was due entirely to the reason stated.

Statement of
Representative
Keenan of South-
wick.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DiMasi of Boston) recognizing the winning of the Silver Medal by the 1972 U.S. Olympic hockey team;

U.S. Olympic
hockey team.

Resolutions (filed by Mr. Rushing of Boston) honoring Donald L. Stull;

Donald L.
Stull.

Resolutions (filed by Representatives Gobi of Spencer and Smola of Palmer) congratulating Mary Marques on the occasion of her one hundred and tenth birthday; and

Mary
Marques.

Arthur
and Patricia
West.

Resolutions (filed by Mr. Nyman of Hanover) congratulating Mr. and Mrs. Arthur West on the occasion of their fiftieth wedding anniversary;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Kaufman of Lexington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mendon
and Upton,
library
district.

Mr. Peterson of Grafton presented a petition (subject to Joint Rule 12) of George N. Peterson, Jr., Richard T. Moore, Edward M. Augustus, Jr., and Marie J. Parente relative to abolishing the library district in the towns of Mendon and Upton; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

Papers from the Senate.

Public
employees,
retirement.

A communication from the Public Employee Retirement Administration Commission (under the provisions of Section 50 of Chapter 7 of the General Laws) relative to rules and regulations governing retirement of public employees in Massachusetts (Senate, No. 2354), came from the Senate with the endorsement that it had been referred to the committee on State Administration and Regulatory Oversight.

On motion of Mr. Kaufman, the House then non-concurred with the Senate in its reference; and, on further motion of the same member, the communication was referred, in non-concurrence, to the committee on Public Service. Sent to the Senate for its action.

Russell,
community
cable.

A Bill authorizing the town of Russell to borrow money for the upgrade and extension of the town's community cable television system (Senate, No. 2243) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public
schools,
food
programs.

A report of the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 107) of Richard T. Moore, William Smitty Pignatelli, Paul J. Donato, Scott P. Brown and other members of the General Court for legislation to promote healthy alternatives in public school food programs, and recommending that the same be referred to the committee on Health Care Financing,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

A communication from the Commonwealth Zoological Corporation (pursuant to Chapter 92B of the General Laws and line item 2800-0200 of the General Appropriation Act for fiscal year 2006) submitting a copy of its fiscal year 2005 legislative report; and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Pondville Correctional Center, in the town of Norfolk.

Several were read for the information of the House; and returned to the Senate.

Commonwealth
Zoological
Corporation.

Pondville
Correctional
Center.

A petition (accompanied by bill, Senate, No. 2359) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation to release certain land in Amherst from the operation of an agricultural preservation restriction, was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Amherst
land.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2367) of Bruce E. Tarr and Bradford Hill for legislation relative to the status of cooperative corporations in the community preservation act. To the committee on Community Development and Small Business.

Cooperative
corporations.

Petition (accompanied by bill, Senate, No. 2366) of Cynthia S. Creem for legislation to promote biomedical research through tax incentives. To the committee on Revenue.

Biomedical
research,
tax incentives.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to terminal audits for commercial vehicles (House, No. 2113) be scheduled for consideration by the House.

Terminal
audits for
commercial
vehicles.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Wagner of Chicopee moved that it be amended in lines 45 to 70, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(C) Any carrier found to be in violation of record keeping regulations established under this section shall be subject to a civil penalty not to exceed \$500 for each offense, and each day of a violation shall constitute a separate offense; provided, however, that the total of all civil penalties assessed against a violator for all offenses relating to any single violation shall not exceed \$2,500. If it is found, pursuant to a terminal audit, that a serious pattern of safety violations, other than record keeping requirements or violations of chapter 90F, exists of has occurred, a civil penalty not to exceed \$1,000 may be imposed for each offense; provided, however, that the maximum fine for each such pattern of safety violations shall not exceed \$10,000. If it is found that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, a civil penalty not to exceed \$10,000 for each offense may be imposed. With the exception of record keeping violations and

Terminal
audits for
commercial
vehicles.

violations of chapter 90F or such other regulations established under this section relating to commercial driver's license, as defined in section 1 of chapter 90F, no civil penalty shall be imposed under this section against an employee of a motor carrier for a violation unless the employee's conduct is found to constitute gross negligence or reckless disregard for safety, in which case the employee shall be subject to a civil penalty not to exceed \$1,000."

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 2113, amended) then was sent to the Senate for concurrence.

Motor carrier
safety law.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (House, No. 4488) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Wagner of Chicopee moved that it be amended in section 17, in lines 26 to 33, inclusive, by striking out the paragraph contained therein.

The amendment was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act." The bill (House, No. 4488, amended) then was sent to the Senate for concurrence.

Government
issues,
study.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on Senate, Nos. 1734, 1759, 1761, 1762, 1766, 1776, 1777, 1778 and 1781 and House, Nos. 3462, 3463, 3466, 3490, 3497, 3505, 3506, 3509, 3513, 3514, 3515, 3516 and 3520, an Order relative to authorizing the committee on State Administration and Regulatory Oversight to make an investigation and study of certain Senate and House documents concerning non-profit organizations, legislative agents, paperwork reduction and government efficiency issues (House, No. 4678). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the

order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to the establishing of a special commission to study the use of off-shore labor in state contracts (House, No. 1645).

State
contracts,
off-shore
labor.

By the same member, for the same committee, on a petition, a Resolve providing for an investigation and study by a special commission relative to the effect of privatization on the delivery of human services (House, No. 2900).

Human
services,
delivery.

By the same member, for the same committee, on a petition, a Resolve establishing a special commission to conduct an investigation and study relative to permitting advertising on state websites (House, No. 3512).

State
websites,
advertising.

By the same member, for the same committee, on a petition, a Bill providing for a system of periodic legislative review and for the termination, consolidation, or re-establishment of state agencies (House, No. 3522).

Agencies,
legislative
review.

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to accessible electronic information technology for persons with disabilities (House, No. 2901).

Disabled
persons,
electronic
information.

By the same member, for the same committee, on a petition, a Bill to ensure proper expenditure of and accounting for public funds (House, No. 3458).

State funds,
accounting.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measure.

The engrossed Bill amending the law establishing the Northern Berkshire Industrial Park and Development Corporation (see House, No. 4376, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Northern
Berkshire,
industrial
development.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

Relative to elevator license examinations (see Senate, No. 2216, amended) (which originated in the Senate); and

Bills
enacted.

Establishing a sick leave bank for Samuel Russell, an employee of the Trial Court (see House, No. 4569) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill authorizing the town of Milton to grant a license for the sale of all alcoholic beverages to be drunk on the premises of a certain restaurant (see Senate, No. 2324, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At twenty-seven minutes after eleven o'clock A.M., on motion of Mrs. Teahan of Whitman (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

Women's
National
Basketball
Championship.

Mr. Bosley of North Adams, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2264; striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations for the costs for certain spending, public investment, and bonded debt of the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act establishing a Commonwealth investment program.") of the House Bill relative to economic investments to promote job creation, economic stability, and competitiveness in the Massachusetts economy (House, No. 4429), reported, in part, a Bill promoting the National Collegiate Athletic Association 2006 Women's Final Four Basketball Championship (House, No. 4679). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report (having been reported by the committees on Bills in the Third Reading, acting jointly, to be correctly drawn) was considered forthwith; and it was accepted.

The report then was sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating Bridge Number E01-002 in the town of East Bridgewater as the Cpl. Gordon M. Craig Bridge (House, No. 4476) be scheduled for consideration by the House.

East
Bridgewater,
Cpl. Gordon
M. Craig
Bridge.

Under suspension of Rule 7A, on motion of Mrs. Teahan of Whitman, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bill.

The engrossed Bill promoting the National Athletic Association 2006 Women's Final Four Basketball Championship (see House, No. 4679) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

House bills

Establishing identification requirements for voters who register by mail (House, No. 92);

Third
reading
bills.

Relative to the environmental trust (House, No. 1283); and

Establishing a public safety injured on duty medical expenses trust fund in the town of Brookline (House, No. 4122) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered. That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At twenty-eight minutes after two o'clock P.M., on motion of Mr. Eldridge of Acton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.